

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

FILED
KENNETH J. ANDERSON
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U.S. DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Louis Merriweather-Petitioner;

-vs-

James Erwin, Warden-Respondent:

Case No. C-1-02-369

Judge, Spiegel

Magistrate Judge, Hogan

MOTION TO ADVANCE THE CAUSE

Petitioner Merriweather, an unlettered petitioner, now comes before this honorable court on a motion to advance his cause in the instant case at bar. Petitioner Merriweather pleads for this advance of cause, because his continued incarceration, is, in serious conflict of law with Merriweather's thirteenth Amendment to the United States constitution, which Merriweather will fully articulate in his memorandum in support of his motion to advance the cause.

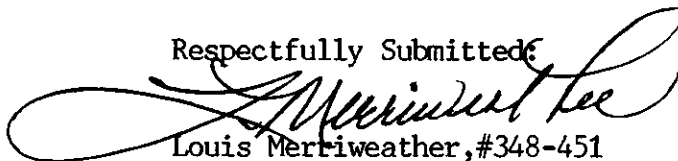
MEMORANDUM IN SUPPORT:

Petitioner Merriweather maintains that in,absence of proper procedure,with,deliberate violations of his 6th,8th,13th and 14th amendments rights to the United states Constitution,the state of Ohio is illegally restraining [petitioner]a born United states citizen of his liberties and privileges,and that his incarceration in involuntary,for reasons,other then not willingly and knowingly,for **"no court"**within the bounds of the U.S.had founded him guilty of any offenses against the state of Ohio,or,it's public,within the means of"reasonable probabe cause"and due process,withou these means,Petitioner Merriweather's was incarcerated,and to continue his incarceration is to,for no other reason,but to keep him in involuntary servitude/slavery to the state of Ohio.On May 15,1997,in the Hamilton county common pleas court,in an alleged voluntary guilty pleas,then,on June 18,1997,Petitioner Merriweather was sold into slavery to the state of Ohio,by his defend counsel for \$300.00 dollards,in a sense,Merriweather was placed on a judicial block and sold for \$300,00 dollard in involunatry servitude/slavery for ten(10) years to the state of Ohio,in the name of justice for criminal violations which were,are still, are**"unfounded"**.Might this unlettered Petitioner respectfully remind this court,that in,1865,the thirteenth Amendment was adoped which ["prohibits slavery and involuntary servitude],the Fourteenth Amendment**"extended the privileges of citizenship to African Americans"**amd forbibs the states from"abridging" the privileges or immunities of citizens of the United states,it also forbibs the states from depriving any person of life,liberty,or property without"due process"of law,or of denying any person the equal protection of the law.In 1803 in **Marbury vs.Madison**,the U.S.Supreme Court address the issue of when two laws conflict with each other;Chief Justice Marshall,gave the opinion of the Court;

"It is emphatically the province and duty of the judicial department to say what the law is,those who apply the rule to particular cases must of necessity expound and interpret that rule.If two laws conflict with each other,,the court must decide on the operation of each.So if a law be in opposition to the Constitution-if both the law and the Constitutionapply to a particular case,so that the courts must either decide that case conformably to the law,disregarding the law-the courts must determine which of these conflicting rules governs the case.

This is the very essence of judicial duty. If, then, the Courts are to regard the Constitution, and the Constitution is superior to any ordinary act of the legislature, the Constitution, and not such ordinary act, must govern the case to which they both apply. If the law is clearly in conflict [as this case at bar] with the Constitution, they [Courts] merely give effect to the Constitution as the higher law, disregarding the unconstitutional act. In Petitioner Merriweather's case, "which no Court in Ohio had subject matter jurisdiction, this cause should be advanced to discontinue Merriweather's involuntary servitude/slavery, to the state of Ohio. The Supreme Court of New York has said "No law can be pronounced invalid for the reason simply that it violates our notions of justice, is oppressive and unfair in its operation, or because it is not justified by public necessity or designed to promote the public welfare. If it violates no constitutional provision, it is valid and must be obeyed". Petitioner Merriweather cause in light of these Constitutional violations should be advanced, and based upon the finding of evidence and Court records, with court documentations, if proven by Petitioner Merriweather, invalidate his involuntary slavery to the state of Ohio, as in violation of the Amendments to the United States Constitution, and restore Merriweather's full citizenship, with all privileges and liberties afforded him as a born U.S. citizen, to do otherwise would be to continue to impugn constitutional principles. Advance of cause is within the court means, and the meaning for public interest, and to right a very serious and profound wrong, done, a born U.S. citizen without proper due process of law within the bounds of the United States, within, the State of Ohio. With the serious question of due process violations, and subject matter jurisdiction, if, Petitioner Merriweather's involuntary slavery is allowed to stand, then, the emancipation proclamation signed by President Lincoln freeing the "slaves" was mere illusion.

Respectfully Submitted:



Louis Merriweather, #348-451

P.O. Box 5500

Chillicothe, Ohio 45601-0990

CERTIFICATE OF SERVICE

I, Louis Merriweather, do hereby certify that true and correct copy of the foregoing was mailed first class, per-paid U.S. mail to Jim Pento, at 406 Town, Chillicothe, Ohio on this 15th day of Aug, 2003.